With the object of making it as simple as can be, I have, in drafting the Bill, endeavoured to make it very concise, and have confined it to a few of the leading provisions only of the corresponding law in British India on the subject. It might appear at first sight that the Bill is far too brief. But it has to be remembered that most of the sections of the British Act are no more than codified enunciations of the well-recognised principles of Common Law and Equity, and our copying them all here, is hardly necessary, as our courts might as well follow the precedents from the original source direct, when individual cases involving any of those principles arise for adjudication. It will also be noted that a large portion of the British Act is taken up with the rules on the subject of Probate and Administration. Having thought it expedient for the reasons already given, not to introduce here the cumbrous procedure involved in the proving of Wills, and having substituted Registration in lieu of it, I have omitted in the Bill all reference to Probate and Administration and also to the subject of the character and ex-officio powers of an Executor under the Will, who is left with no greater powers than a Manager whose powers are well understood under the general principles of law.

The numerous sections of the British Act relating to the construction and interpretation of Wills do not find a place in the Bill, either. "Natives are generally so vague and inaccurate in using words in their writings" that it is not safe to bind our Courts to any fixed construction or interpretation. The Courts should be left free to construe and carry out the testator's intentions.

I have only one other point to which I wish to draw your attention, Gentlemen. You will have noticed that the provisions of this Bill do not affect persons who are not domiciled in Travancore. The formalities to be complied with under our Bill are in some respects more stringent than those relating to Wills in British India and elsewhere; and it appears to me to be undesirable in a matter such as this, to make foreigners conform to a new set of rules, differing in important particulars from those they have for centuries been accustomed to be subject to, in their own countries. For instance, an European owning an estate in Travancore may be living in England and may have made a Will there just before his death leaving his property here to a particular person. The law of England does not require registration of a Will and it would not occur either to the testator or the legatee to have the Will registered. Under this Regulation, however, such a Will would be void if not duly registered within the appointed time. This would certainly be hard; and it has therefore been considered necessary to provide against it, and to enact that Wills executed by any such person shall be allowed to take effect as a testamentary disposition of any property situate in Travancore, provided the said Will has been executed according to the requirements of the law of the country of his domicile. With these remarks I beg to introduce the Bill.

After a short discussion regarding the scope of the measure, he introduced the Bill.

Mr. Muthunayagom Pillai: I would further ask that the Bill with the statement of Objects and Reasons be published in the Gazette for general information.

Seconded by Mr. Ramanatha Row.

Carried.

THE BILL TO AMEND THE FOREST REGULATION (II OF 1068.)

Mr. Thanu Pillai: I beg to ask for leave to introduce a small Bill to amend the Forest Regulation. From the statement of Objects and Reasons which has been circulated with the Bill, you will have noticed why the Bill is brought forward. The second part of the amendment proposed is purely verbal and is intended to cure defective wording—to make the punitive provisions correctly correspond with the prohibitions imposed.

It is in deference to a suggestion from the Conservator of Forests that I have proposed the first portion.

Sections 7 and 21 deal with fires in Forests but only so far as Reserved tracts are concerned. But it has been urged that the provisions should be extended to tracts which are proposed to be reserved (Sec. 6) but which have not yet

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been *actually* reserved owing to departmental delays and other causes.

Leave having been granted Mr. Thanu Pillay introduced the Bill and moved that the Bill with the statement of Objects and Reasons be published in the Gazette and that it be taken up by the Council for final consideration at the next ordinary meeting.

Seconded by Mr. Krishnaswamy Rao.

Carried.

GENERAL CLAUSES BILL.

Mr. Thanu Pillai: The next order of the day also stands in my name viz., to ask for leave to introduce a General Clauses Bill for Travancore. The draft Bill with the Objects and Reasons has already been placed before the members. The Bill is a purely technical one and should perhaps have emanated from a regular professional lawyer. But my work has been little more than that of adaptation. As I have stated in the Objects and Reasons, the Bill has been drafted at the instance of the High Court and is on the lines of the Madras Act (I of 1891) which I believe is the latest enactment on the subject. I need hardly go into details but would only invite your particular attention to the definition of the term "Our Government" which must enter into almost every one of our Regulations. With these remarks, I beg to ask for leave to introduce the Bill. Leave having been granted he introduced the Bill.

Mr. Thanu Pillai: I would also move that the Bill be published and that it be referred to a Select Committee consisting of Mr. Krishnaswamy Rao, Mr. Muthunayagom Pillai and the mover. I believe the mover is seldom dispensed with. Else I should very much like to make room for a better lawyer than myself.

Seconded by Mr. Prince.

Carried.

SHUNGRASOOBYER,
President.

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